

# Offer Submission Package

SOLICITATION SP0600-03-R-0022 (Hungary Posts, Camps & Stations P.P. 1.99J)

THE ENCLOSED SOLICITATION COVERS THE ORDERING PERIOD Date of Award  
THROUGH 30 SEP 2004

## INSTRUCTIONS:

1. The original and one copy of this Offer Submission Package must be returned to:

ATTN: Bid Custodian, Room 3815  
Defense Energy Support Center  
8725 John J. Kingman Road, Suite 4950  
Ft. Belvoir, VA 22060-6222

All documents to be completed and returned are contained in this Offer Submission Package:

- ☒ Standard Form 1449, Solicitation/Contract/Order for Commercial Items
  - ☒ All applicable fill-in clauses
  - ☒ Hungary Schedule/PC&S Price Data Sheet
  - ☒ Posting History Worksheet(s)
  - ☒ Evaluation of Filling Stations
2. Be sure to check your offers for accuracy and legibility prior to submission. They must be in Hungarian Forints per Liter (e.g. 100.00). NOT price differentials. Offer one price per line item which will escalate/deescalate with the named posting. Initial all changes and sign and date the Standard Form 1449.
  3. If you are submitting your offer by facsimile, please limit your facsimile transmission to the content of this Offer Submission Package.
  4. By submission of this package, you are stating that all terms and conditions of the entire solicitation are accepted and apply to your offer unless clearly stated herein.



**B1.05 SUPPLIES TO BE FURNISHED (OVERSEAS PC&S/ALASKA) (DESC MAY 1996)**

(a) The supplies to be furnished during the period specified in the REQUIREMENTS clause, the delivery points, methods of delivery, and estimated quantities are shown below. The quantities shown are best estimates of required quantities only. Unless otherwise specified, the total quantity ordered and required to be delivered may be greater than or less than such quantities. The Government agrees to order from the Contractor and the Contractor shall, if ordered, deliver during the contract period all items awarded under this contract. The prices paid shall be the unit prices specified in subsequent price change modifications issued in accordance with the ECONOMIC PRICE ADJUSTMENT clause.

(b) In an emergency, oral orders may be issued and must be confirmed in writing by an SF 1449 or DD Form 1155 within 24 hours.

(c) Offers shall not be submitted for quantities less than the estimated quantities specified below for each line item. Offers submitted for less than the estimated quantities will not be considered for award, except for items specifically designated as **less than 1-year** requirements.

| <u>ITEMS</u> | <u>SUPPLIES, DELIVERY POINTS,<br/>AND METHOD OF DELIVERY</u>   | <u>1 ½ YEAR ESTIMATED<br/>QUANTITY</u> |
|--------------|--|--|
| 27           | GASOLINE, PREMIUM UNLEADED (MUP)<br>NSN: 9130-00-148-7104<br>SPECIFICATION: CLAUUE C16.18-19 EN 228:1999<br>OR COMMERCIAL EQUIVALENT           | 40,000 L                               |
| 34           | DIESEL FUEL #2, HIGH SULFUR (RED DYE)(DF2)<br>NSN: 9140-00-286-5294<br>SPECIFICATION: CLAUSE C16.26-10 EN590: 1999<br>OR COMMERCIAL EQUIVALENT | 70,000 L                               |

**SPECIAL NOTES**

1. The Contractor shall operate a credit car fuel purchase system with the following provisions:

- A. **PRODUCT SPECIFICATIONS:** Gasoline, Premium Unleaded (MUP) shall meet the requirements stated in Clause C16.18-19 GASOLINE, AUTOMOTIVE, UNLEADED (PREMIUM) (NATO F67) (DESC MAR 2000). Diesel Fuel #2, High Sulfur (Red Dye) (DF2) shall meet the requirements stated in Clause C16.26-10 FUEL OIL, DIESEL – SUMMER (TEMPERATE) AND WINTER (ARCTIC) GRADES (BOSNIA) (DESC FEB 2002).
- B. **CREDIT CARDS:** Free issuance of 40 magnetic credit cards, which consist of sixteen (16) premium unleaded gasoline and twenty-four (24) diesel fuel cards that list the type of fuel on each card and the United States of America as the customer. Credit Cards shall be the On-line cards with a PIN Code, entitling the cardholder to purchase the type of fuel stated on the card. Credit cards shall only be valid for the purchase of automotive diesel fuel and gasoline. The credit cards must be honored at the Contractor's filling stations throughout Hungary. Credit cards shall have no monthly limits. Credit cards shall be available for pickup at the contractor's facility by the designated Property Book Officer within five working days of any subsequent contract award. The credit cards will remain valid through the end of the contract period (30 September 2004) per Clause F4, DELIVERY AND ORDERING PERIODS.
- C. **AUTHORIZED INDIVIDUALS:** Credit cards will be used to U. S. Government employees or individuals under the control of the U. S. Government. Authorized individuals include all U.S. Military and Civilian personnel, local national employees of the U.S. Government, and Official Military vehicles of other NATO nations who possess valid cards and official dispatch orders for operation of said vehicles at time of delivery, pursuant to the provisions of forces agreements.
- D. **FILLING STATIONS:** Filling stations will be operational 24 hours a day, 7 days a week. Supplies to be furnished under any resultant contract are considered "ordered" when authorized individuals present valid credit cards for purchase of fuel at the Contractor's service stations. The Property Book Officer shall maintain a register/log at each sales outlet consisting of the following: A) the credit card number, B) The name and social security number of each cardholder. The Contractor's retail outlets will be responsible for ensuring all credit cards bear the date and signature of the person receiving the product and the vehicle license number of the automobile receiving the fuel. The Contractor will be responsible for indoctrination of their filling stations to ensure against acceptance and processing for redemption of bogus credit cards. Trading or selling credit cards to Hungarian Nationals or trading credit cards for other products is a violation of American/Hungarian Laws. A copy of the signed transaction document shall be given to the vehicle operator for each fuel purchase.
- E. **INVOICE INFORMATION:** The contractor shall invoice in Hungarian Forints per liter. Invoices shall be paid in Hungarian Forints. The contractor shall forward a copy of the prevailing Official Company Retail prices effective during the billing month, along with the monthly invoice to the Property Book Officer in Hungary as documentation to support the contractors' invoice. The monthly invoice or statement of account must provide the following information to the Property Book Officer:
 

|                                     |                                    |
|-------------------------------------|------------------------------------|
| 1. Card Number                      | 5. Product Type                    |
| 2. Location                         | 6. Vehicle License Number          |
| 3. Time and Date                    | 7. Name and Signature of Purchaser |
| 4. Total Number of Liters Purchased | 8. Applicable Hungarian Taxes.     |
- F. **TAXES:** The contract price shall include all applicable Hungarian taxes, duties or fees. If product originates from a country where taxes are applicable (or subject to refund procedures), these taxes must be identified in Clause K86, FOREIGN TAXES. All taxes must be listed separately on each invoice. Individual line items will be established as necessary to identify the various taxes. A predetermined exchange rate shall be used to convert the taxes to U.S. dollars. If the tax liability between Hungary and the U.S. Government changes at any time during the performance of a resultant contract, the Contractor shall notify the Contracting Officer and provisions shall be made to eliminate U.S. tax liability in Hungary. Contractors, if required, shall be cooperative in assisting the U.S. Government in receiving full refunds of any taxes levied on purchased product.

2. The Ordering Office for the program is:

Department of the Army  
200<sup>th</sup> Theater Army Material Management Center  
Bldg. 33, Taszar Airbase  
Petroleum Management Division  
Unit 27535  
APO AE 09139  
PHONE: 49-951-300-7882/7884  
FAX: 49-951-300-7881

3. Offerors must provide the following statements in the offer: "Our firm can meet the U.S. Government credit card system requirements set forth in RFP SP0600-03-R-0022. The offered products meets the fuel specifications stated under Clause C16.18-19 and Clause C16.26-10."

4. Offerors must certify that offer prices are inclusive of all Official Hungarian taxes, duties or fees, as applicable.

5. Offerors must provide the following details in their offer:

1. Description of the basic operation of the credit card system.
2. Security controls within the system.
3. Procedures for handling lost or stolen cards and replacement fees.
4. Other costs associated with the use of the credit card (i.e. transaction fees, annual fees, etc.).

**EVALUATION OF FILLING STATIONS**A. For Evaluation of **Budapest Metropolitan Area** only:

| Stations in Budapest | Point Value | Total # of Stations in Budapest | Total Points |
|----------------------|-------------|---------------------------------|--------------|
| 20 or more           | 10          | _____                           | _____        |
| 10-20                | 5           |                                 |              |
| 5-10                 | 2           |                                 |              |
| Less than 5          | 0           |                                 |              |

B. For Evaluation of **Northwest Region** (North of Lake Balaton and West of the Danube) only:

| Geographical Area | Total # of Stations | Multiplied By | Weight Factor % | Value | Multiplied By | Region Factor % | Equals | Total Points |
|-------------------|---------------------|---------------|-----------------|-------|---------------|-----------------|--------|--------------|
| Gyor              |                     | X             | .20             |       |               |                 |        |              |
| Szekesfehervar    |                     | X             | .20             |       |               |                 |        |              |
| Veszprem          |                     | X             | .10             |       |               |                 |        |              |
| Remaining Areas   |                     | X             | .50             |       |               |                 |        |              |
| Total Value       |                     |               |                 |       | X             | .30             | =      |              |

C. For Evaluation of **Southwest Region** (South of Lake Balaton and West of the Danube) only:

| Geographical Area | Total # of Stations | Multiplied By | Weight Factor % | Value | Multiplied By | Region Factor % | Equals | Total Points |
|-------------------|---------------------|---------------|-----------------|-------|---------------|-----------------|--------|--------------|
| Pecs              |                     | X             | .20             |       |               |                 |        |              |
| Kaposvar Dombovar |                     | X             | .30             |       |               |                 |        |              |
| Nagykanizsa       |                     | X             | .10             |       |               |                 |        |              |
| Remaining Areas   |                     | X             | .40             |       |               |                 |        |              |
| Total Value       |                     |               |                 |       | X             | .55             | =      |              |

D. For Evaluation of **East Region** (East of the Danube) only:

| Geographical Area | Total # of Stations | Multiplied By | Weight Factor % | Value | Multiplied By | Region Factor % | Equals | Total Points |
|-------------------|---------------------|---------------|-----------------|-------|---------------|-----------------|--------|--------------|
| Szolnok           |                     | X             | .20             |       |               |                 |        |              |
| Debrecen          |                     | X             | .10             |       |               |                 |        |              |
| Szeged            |                     | X             | .10             |       |               |                 |        |              |
| Remaining Areas   |                     | X             | .60             |       |               |                 |        |              |
| Total Value       |                     |               |                 |       | X             | .15             | =      |              |

**POSTING HISTORY WORKSHEET**  
**(This worksheet may be duplicated)**

A. Offer price shall be based on the 12-month weighted averages for the period (November 2001 – October 2002). Offerors are required to complete a Posting History Worksheet for each offered product. The posting must be a catalog price (the average price per liter charged to the service stations). In order to verify that the posting you selected meets these requirements, please provide a one (1) year Posting History for each offered product, to include the product, company posting, location where the posting is applicable, and 12-month weighted average. Prices must be in Hungarian Forints per liter. To facilitate the evaluation process for the reference price, each price history should also show the average weighted monthly prices. These prices are based upon the daily prices in effect for the corresponding calendar days of each month. Divide the sum total of the weighted daily prices by the number of days in a particular month to obtain the average monthly price.

Example:

Price changes effective: 1 June 00 = 212.75 Forints  
 15 June 00 = 220.00 Forints  
 25 June 00 = 234.50 Forints

The average weighted monthly price for June 00 would be computed as follows:

1 – 14 June 00 = 14 days X 212.75 = 2,978.50 Forints  
 15 – 24 June 00 = 10 days X 220.00 = 2,200.00 Forints  
 25 – 30 June 00 = 6 days X 234.50 = 1,407.00 Forints

Weighted Monthly Avg. for June 00 = 6585.50 Forints/ 30 days = 219.52 Forints

Note: Please note that the above figures are for example purposes only.

B. Product: \_\_\_\_\_

C. Company Posting: \_\_\_\_\_

D. Location where Company Posting is applicable: \_\_\_\_\_

|               |                |
|---------------|----------------|
| November 2001 | May 2002       |
| December 2001 | June 2002      |
| January 2002  | July 2002      |
| February 2002 | August 2002    |
| March 2002    | September 2002 |
| April 2002    | October 2002   |

E. 12-Month Weighted Average for November 2001 – October 2002: \_\_\_\_\_

## HUNGARY SCHEDULE/PC&amp;S PRICE DATA SHEET

| <u>ITEM<br/>NUMBER</u> | <u>SUPPLIES, NATIONAL STOCK NUMBERS,<br/>METHOD OF DELIVERY AND DELIVERY POINTS</u>  | <u>ESTIMATED<br/>QUANTITY</u> | <u>CONTRACT<br/>OFFER PRICE<br/>HUNGARIAN FORINTS<br/>PER LITER (L)</u> |
|------------------------|--|-------------------------------|---|
|                        | UNITED STATES ARMY<br>VARIOUS LOCATIONS IN HUNGARY<br><br>ORDERING OFFICE: (200 <sup>TH</sup> TAMMC)   |                               |   |
| 100-27                 | GASOLINE, PREMIUM UNLEADED (MUP)<br>FOR AUTOMOTIVE USE<br>NSN: 9130-00-148-7104<br>SPECIFICATION: CLAUSE C16.18-19 EN 228: 1999<br>OR COMMERCIAL EQUIVALENT<br><br>CREDIT CARD (CCARD),<br>EXCHANGE FOR DELIVERY/USE OF<br>DIESEL FUEL BY AUTHORIZED U.S.<br>GOVERNMENT-OWNED OR<br>AUTHORIZED PRIVATELY-OWNED<br>VEHICLES AT DESIGNATED FILLING<br>STATIONS IN HUNGARY<br>ISSUANCE OF SIXTEEN (16) CREDIT CARDS<br>WITH NO MONTHLY LIMITS.              | 40,000 LITERS                 | _____   |
| 100-34                 | DIESEL FUEL #2, HIGH SULFUR (RED DYE) (DF2)<br>FOR AUTOMOTIVE USE<br>NSN: 9140-00-286-5294<br>SPECIFICATION: CLAUSE C16.26-10 EN590:1999<br>OR COMMERCIAL EQUIVALENT<br><br>CREDIT CARD (CCARD),<br>EXCHANGE FOR DELIVERY/USE OF<br>DIESEL FUEL BY AUTHORIZED U.S.<br>GOVERNMENT-OWNED OR<br>AUTHORIZED PRIVATELY-OWNED<br>VEHICLES AT DESIGNATED FILLING<br>STATIONS IN HUNGARY<br>ISSUANCE OF TWENTY-FOUR (24) CREDIT CARDS<br>WITH NO MONTHLY LIMITS. | 70,000 LITERS                 | _____   |



**F29.01 CONTRACTOR ORDERING AGENTS (DESC FEB 1995)**

Orders placed hereunder shall be directed to the prime Contractor at the address indicated on the cover page unless another address is indicated below.

(NOTE: Offeror to complete when submitting proposal.)

(DESC 52.216-9F85)

**➔G9.06 ADDRESS TO WHICH REMITTANCE SHOULD BE MAILED (DESC DEC 1999)**

Remittances shall be mailed only at the Government's option or where an exception to payment by Electronic Funds Transfer (EFT) applies. (See the PAYMENT BY ELECTRONIC FUNDS TRANSFER - CENTRAL CONTRACTOR REGISTRATION or the PAYMENT BY ELECTRONIC FUNDS TRANSFER - OTHER THAN CENTRAL CONTRACTOR REGISTRATION clause.)

Offeror shall indicate below the complete mailing address (including the nine-digit zip code) to which remittances should be mailed if such address is other than that shown in Block 15a (Standard Form (SF) 33) for noncommercial items or Block 17a (SF 1449) for commercial items. In addition, if offeror did not incorporate its nine-digit zip code in the address shown in Block 15a of the SF 33 or in Block 17a of the SF 1449, the offeror shall enter it below:

(a) Payee Name (Contractor): \_\_\_\_\_  
(DO NOT EXCEED 25 CHARACTERS)

(b) Check Remittance Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(DO NOT EXCEED 30 CHARACTERS PER LINE)

(c) Narrative Information (special instructions).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(DO NOT EXCEED 153 CHARACTERS)

(DESC 52.232-9F55)

**K1.01-9 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS (ALT I)**  
**(APR 2001/OCT 2000)**

(a) **DEFINITIONS.** As used in this provision--

(1) **Emerging small business** means a small business concern whose size is no greater than 50 percent of the numerical size standard for the standard industrial classification code designated.

(2) **Forced or indentured child labor means** all work or service—

(i) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(ii) Performed by any person under the age of 18 pursuant to a contract, the enforcement of which can be accomplished by process of penalties.

(3) **Service-disabled veteran-owned small business concern—**

(i) Means a small business concern—

(A) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(B) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(ii) Service disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

(4) **Small business concern** means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and size standards in this solicitation.

(5) **Veteran-owned small business concern means a small business concern—**

(i) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(ii) The management and daily business operations of which are controlled by one or more veterans.

(6) **Women-owned business concern** means a concern that is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(7) **Women-owned small business concern** means a small business concern--

(i) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(ii) Whose management and daily business operations are controlled by one or more women.

(b) **TAXPAYER IDENTIFICATION NUMBER (TIN) (26 U.S.C. 6050M). (Not applicable if the offeror is required to provide this information to a central contractor registration database to be eligible for award.)**

(1) All offerors must submit the information required in paragraphs (b)(3) through (b)(5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

**(3) TAXPAYER IDENTIFICATION NUMBER (TIN).**

☐ TIN: \_\_\_\_\_

☐ TIN has been applied for.

➔ ☐ TIN is not required because:

➔ ☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of a Federal, state, or local government;

☐ Other. State basis. \_\_\_\_\_

➔ **(4) TYPE OF ORGANIZATION.**

☐ Sole proprietorship;

☐ Partnership;

☐ Corporate entity (not tax-exempt);

☐ Corporate entity (tax-exempt);

☐ Government entity (Federal, State, or local);

☐ Foreign government;

☐ International organization per 26 CFR 1.6049-4;

☐ Other: \_\_\_\_\_.

➔ **(5) COMMON PARENT.**

☐ Offeror is not owned or controlled by a common parent.

☐ Name and TIN of common parent:

Name \_\_\_\_\_

TIN \_\_\_\_\_

(c) Offerors must complete the following representations when the resulting contract is to be performed inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia. Check all that apply.

**(1) SMALL BUSINESS CONCERN.** The offeror represents as part of its offer that it--

☐ is

☐ is not

a small business concern.

**(2) VETERAN-OWNED SMALL BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents as part of its offer that it—

☐ is

☐ is not

a veteran-owned small business concern.

(3) **SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERN.** (Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(2) of this provision.) The offeror represents as part of its offer that it—

☐ is  
☐ is not

a service-disabled veteran-owned small business concern.

(4) **SMALL DISADVANTAGED BUSINESS CONCERN.** (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents, for general statistical purposes, that it—

☐ is  
☐ is not

a small disadvantaged business concern as defined in 13 CFR 124.1002.

(5) **WOMEN-OWNED SMALL BUSINESS CONCERN.** (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents that it--

☐ is  
☐ is not

a women-owned small business concern.

**NOTE:** Complete paragraphs (c)(6) and (c)(7) only if this solicitation is expected to exceed the simplified acquisition threshold.

(6) **WOMEN-OWNED BUSINESS CONCERN (OTHER THAN SMALL BUSINESS CONCERN).** (Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents that it -

☐ is

a women-owned business concern.

(7) **TIE BID PRIORITY FOR LABOR SURPLUS AREA CONCERNS.** If this is an invitation for bid, small business offerors may identify the labor surplus areas in which costs to be incurred on account of manufacturing or production (by offeror or first-tier subcontractors) amount to more than 50 percent of the contract price.

(8) **SMALL BUSINESS SIZE FOR THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM AND FOR THE TARGETED INDUSTRY CATEGORIES UNDER THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.** (Complete only if the offeror has represented itself to be a small business concern under the size standards for this solicitation.)

(i) **(Complete only for solicitations indicated in an addendum as being set-aside for emerging small businesses in one of the four designated industry groups (DIGs)).** The offeror represents as part of its offer that it--

☐ is  
☐ is not

an emerging small business.

(ii) **(Complete only for solicitations indicated in an addendum as being for one of the targeted industry categories (TICs) or four designated industry groups (DIGs)).** The offeror represents as follows:

(A) The offeror's number of employees for the past 12 months (check the Employees column if size standard stated in the solicitation is expressed in terms of number of employees); or

(B) The offeror's average annual gross revenue for the last 3 fiscal years (check the Average Annual Gross Number of Revenues column if size standard stated in the solicitation is expressed in terms of annual receipts).

(Check one of the following:)

| <u>NUMBER of EMPLOYEES</u>           | <u>AVERAGE ANNUAL GROSS REVENUES</u>                 |
|--------------------------------------|--|
| <input type="checkbox"/> 50 or fewer | <input type="checkbox"/> \$1 million or less         |
| <input type="checkbox"/> 51 - 100    | <input type="checkbox"/> \$1,000,001 - \$2 million   |
| <input type="checkbox"/> 101 - 250   | <input type="checkbox"/> \$2,000,001 - \$3.5 million |
| <input type="checkbox"/> 251 - 500   | <input type="checkbox"/> \$3,500,001 - \$5 million   |
| <input type="checkbox"/> 501 - 750   | <input type="checkbox"/> \$5,000,001 - \$10 million  |
| <input type="checkbox"/> 751 - 1,000 | <input type="checkbox"/> \$10,000,001 - \$17 million |
| <input type="checkbox"/> Over 1,000  | <input type="checkbox"/> Over \$17 million           |

(9) **(Complete only if the solicitation contains the clause at FAR 52.219-23, NOTICE OF PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS, or FAR 52.219-25, SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM - DISADVANTAGED STATUS AND REPORTING, and the offeror desires a benefit based on its disadvantaged status.)**

(i) **GENERAL.** The offeror represents that either--

(A) It--

☐ is  
☐ is not

certified by the Small Business Administration as a small disadvantaged business concern and is listed, on the date of this representation, on the register of small disadvantaged business concerns maintained by the Small Business Administration, and that no material change in disadvantaged ownership and control has occurred since its certification, and, where the concern is owned by one or more individuals claiming disadvantaged status, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); or

(B) It--

☐ has  
☐ has not

submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

(ii) **JOINT VENTURE UNDER THE PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS.** The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements in 13 CFR 124.1002(f) and that the representation in paragraph (c)(7)(i) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture:

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(10) **(Complete if the offeror represented itself as disadvantaged in paragraph (c)(2) or (c)(9) of this provision.)** The offeror shall check the category in which its ownership falls:

- ☐ Black American
- ☐ Hispanic American
- ☐ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).
- ☐ Asian-Pacific American (persons with origin from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).
- ☐ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).
- ☐ Individual/concern, other than one of the preceding.

**(d) CERTIFICATIONS AND REPRESENTATIONS REQUIRED TO IMPLEMENT PROVISIONS OF EXECUTIVE ORDER 11246.**

(1) **PREVIOUS CONTRACTS AND COMPLIANCE.** The offeror represents that--

(i) It--

☐ has  
☐ has not

participated in a previous contract or subcontract subject to the EQUAL OPPORTUNITY clause of this solicitation; and

(ii) It--

☐ has  
☐ has not

filed all required compliance reports.

(2) **AFFIRMATIVE ACTION COMPLIANCE.** The offeror represents that--

(i) It--

☐ has developed and has on file  
☐ has not developed and does not have on file

at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR Subparts 60-1 and 60-2), or

(ii) It--

☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

(e) **CERTIFICATION REGARDING PAYMENTS TO INFLUENCE FEDERAL TRANSACTIONS (31 U.S.C. 1352).** (Applies only if the contract is expected to exceed \$100,000). By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract.

➔ (f) **BUY AMERICAN ACT - TRADE AGREEMENTS - BALANCE OF PAYMENTS PROGRAM CERTIFICATE.** (Applies only if DFARS clause 252.225-7007, TRADE AGREEMENTS ACT, is incorporated by reference in this solicitation.)

(1) The offeror certifies that--

(i) Each end product, except the end products listed in subparagraph (2) below, is a domestic end product (as defined in the BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM clause of this solicitation); and

(ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The offeror must identify and certify all end products that are not domestic end products.

(i) The offeror certifies that the following supplies qualify as "U.S.-made end products" but do not meet the definition of "**domestic end product**":

\_\_\_\_\_  
 (Insert line item no.)

(ii) The offeror certifies that the following supplies are qualifying country end products:

\_\_\_\_\_  
 (Insert line item no.)

\_\_\_\_\_  
 (Insert country of origin)

(iii) The offeror certifies that the following supplies are qualify as designated country end products:

\_\_\_\_\_  
 (Insert line item no.)

\_\_\_\_\_  
 (Insert country of origin)

- (iv) The offeror certifies that the following supplies qualify as Caribbean Basin country end products:

\_\_\_\_\_  
(Insert line item no.)

\_\_\_\_\_  
(Insert country of origin)

- (v) The offeror certifies that the following supplies qualify as NAFTA country end products:

\_\_\_\_\_  
(Insert line item no.)

\_\_\_\_\_  
(Insert country of origin)

- (vi) The offeror certifies that the following supplies are other nondesignated country end products:

\_\_\_\_\_  
(Insert line item no.)

\_\_\_\_\_  
(Insert country of origin)

(LIST AS NECESSARY)

(3) Offers will be evaluated by giving preference to U.S.-made end products, qualifying country end products, designated country end products, NAFTA country end products, and Caribbean Basin country end products over other end products.

➔ (g) **BUY AMERICAN ACT - NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) IMPLEMENTATION ACT - BALANCE OF PAYMENTS PROGRAM CERTIFICATE.** (Applies only if DFARS clause 252.225-7036, NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) IMPLEMENTATION ACT, clause is incorporated by reference in this solicitation.)

- (1) The offeror certifies that--

(i) Each end product, except the end products listed in subparagraph (2) below, is a domestic end product (as defined in the BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM clause of this solicitation); and

(ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

- (2) The offeror must identify and certify all end products that are not domestic end products.

(i) The offeror certifies that the following supplies qualify as "U.S.-made end products," but do not meet the definition of **"domestic end products"**:

\_\_\_\_\_  
(Insert line item number)

- (ii) The offeror certifies that the following supplies are qualifying country (except Canada) end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin)

- (iii) The offeror certifies that the following supplies qualify as NAFTA country end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin)



(iv) The offeror certifies that the following supplies are other non-NAFTA country end products:

\_\_\_\_\_  
(Insert line item number)

\_\_\_\_\_  
(Insert country of origin)

(LIST AS NECESSARY)

(3) Offers will be evaluated by giving preference to U.S.-made end products, qualifying country end products, or NAFTA country end products over other end products.

**(h) CERTIFICATION REGARDING DEBARMENT, SUSPENSION OR INELIGIBILITY FOR AWARD (EXECUTIVE ORDER 12549). (Applies only if the contract value is expected to exceed the simplified acquisition threshold.)**

The offeror certifies, to the best of its knowledge and belief, that--

(1) The offeror and/or any of its principals

☐ are  
➔ ☐ are not

presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency, and

(2) ☐ have  
➔ ☐ have not,

within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local government contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

(3) ☐ are  
➔ ☐ are not

presently indicted for, or otherwise criminally or civilly charged by a government entity with, commission of any of these offenses.

**(i) CERTIFICATION REGARDING KNOWLEDGE OF CHILD LABOR FOR LISTED END PRODUCTS (EXECUTIVE ORDER 13126). [The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, unless excluded at 22.1503(b).]**

(1) List End Product.

\_\_\_\_\_  
(Insert end product)

\_\_\_\_\_  
(Insert country of origin)

\_\_\_\_\_  
(Insert end product)

\_\_\_\_\_  
(Insert country of origin)

|                               |                                     |
|-------------------------------|-------------------------------------|
| _____<br>(Insert end product) | _____<br>(Insert country of origin) |
| _____<br>(Insert end product) | _____<br>(Insert country of origin) |
| _____<br>(Insert end product) | _____<br>(Insert country of origin) |

(2) **CERTIFICATION.** [If the Contracting Officer has identified end products and countries of origin in paragraph (i)(1) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]

(i) ☐ The offeror will not supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

(ii) ☐ The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it had made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(FAR 52.212-3/Alt I)

#### **K1.05 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS (NOV 1995)**

(a) **DEFINITIONS.** As used in this clause--

(1) **Foreign person** means any person other than a United States person as defined in Section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. Sec 2415).

(2) **United States person** is defined in Section 16(2) of the Export Administration Act of 1979 and means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern, as determined under regulations of the President.

(b) **CERTIFICATION.** By submitting this offer, the offeror, if a foreign person, company, or entity, certifies that it--

(1) Does not comply with the Secondary Arab Boycott of Israel; and

(2) Is not taking or knowingly agreeing to take any action, with respect to the Secondary Boycott of Israel by Arab countries, which 50 U.S.C. App. Sec 2407(a) prohibits a United States person from taking.

(DFARS 252.212-7000, tailored)

#### **K15 RELEASE OF UNIT PRICES (DESC OCT 2002)**

The Defense Energy Support Center (DESC) will continue to release unit prices of successful offerors after the contract award pursuant to 10 U.S.C. 2305(g)(2), FAR 15.606(d)(2) and 32 CFR 286h-3. Unit prices are the bottom-line price per unit of product and may include the total contract price. They do not include any breakout of costs, such as transportation or overhead, and do not disclose the offeror's anticipated profit or any pricing factors.

(DESC 52.224-9F25)

(DESC 52.215-9F28)

**➔K45.04 FACSIMILE INVOICING (DESC JUL 1998)**

(b) Offeror shall indicate whether or not invoices will be submitted via FAX:

☐ YES ☐ NO

(c) Invoicing by facsimile shall be in accordance with the procedures of the applicable paying office.

(d) **RETURN OF INVOICES BY THE PAYING OFFICE.**

(1) Invoices deemed improper in accordance with the Prompt Payment Act may be returned to the Contractor via FAX with the reason for the return clearly annotated.

(2) The offeror's/Contractor's FAX number for returning improper invoices is \_\_\_\_\_.

(DESC 52.232-9F10)

**K85 DISCLOSURE OF OWNERSHIP OR CONTROL BY THE GOVERNMENT OF A TERRORIST COUNTRY**

(MAR 1998)

(a) **DEFINITIONS.** As used in this provision--

(1) **Government of a terrorist country** includes the state and the government of a terrorist country, as well as any political subdivision, agency, or instrumentality thereof.

(2) **Terrorist country** means a country determined by the Secretary of State, under Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(i)(A)), to be a country the government of which has repeatedly provided support for acts of international terrorism. As of the date of this provision, terrorist countries include Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.

(3) **Significant interest**, as used in this provision means--

(i) Ownership of or beneficial interest in 5 percent or more of the firm's or subsidiary's securities. Beneficial interest includes holding 5 percent or more of any class of the firm's securities in "nominee shares," "street names," or some other method of holding securities that does not disclose the beneficial owner;

(ii) Holding a management position in the firm, such as director or officer;

(iii) Ability to control or influence the election, appointment, or tenure of directors or officers in the firm;

(iv) Ownership of 10 percent or more of the assets of a firm such as equipment, buildings, real estate, or other tangible assets of the firm; or

(v) Holding 50 percent or more of the indebtedness of a firm.

**K85 (CONT'D)**

(b) **PROHIBITION ON AWARD.** In accordance with 10 U.S.C. 2327, no contract may be awarded to a firm or subsidiary of a firm if the government of a terrorist country has a significant interest in the firm or subsidiary or, in the case of a subsidiary, the firm that owns the subsidiary, unless a waiver is granted by the Secretary of Defense.

(c) **DISCLOSURE.**

If the government of a terrorist country has a significant interest in the offeror or a subsidiary of the offeror, the offeror shall disclose such interest in an attachment to its offer. If the offeror is a subsidiary, it shall also disclose any significant interest each government has in any firm that owns or controls the subsidiary. The disclosure shall include--

- (1) Identification of each government holding a significant interest; and
- (2) A description of the significant interest held by each Government.

(DFARS 252.209-7001)

**→K86 FOREIGN TAXES (DESC JUN 1987)**

As stated in the TAXES - FOREIGN FIXED-PRICE CONTRACTS clause, unless the contract provides otherwise, the contract price must include all applicable taxes and duties. In accordance with the TAXES - FOREIGN FIXED-PRICE CONTRACTS clause, the offeror shall list below, in paragraph (a), the specific name and amount of the foreign taxes included in the price. If, when permitted by the contract, foreign taxes are not included in the offered price but are expected to be invoiced separately, the offeror shall list the specific name and amount of these taxes in paragraph (b) below.

(a) Foreign taxes included in the contract price are as follows:

NAME OF TAX

AMOUNT

(b) Foreign taxes invoiced separately are as follows:

NAME OF TAX

AMOUNT

(DESC 52.229-9F10)

